

**REMARKS**

In accordance with the foregoing, claims 1 and 11 have been amended. Claims 1, 5-7 and 10-11 are pending and under consideration.

The present amendments to claims 1 and 11 overcome the rejections under 35 U.S.C. § 112.

The rejections under 35 U.S.C. § 102 are now discussed. Independent claim 1, used as an example herein, recites wherein the extracting of the information comprises extracting location information of the I-picture, and the program data is stored in packets, and the extracting of the information comprises extracting description information of each packet and location information of the I-picture. The Examiner relies upon the map allocation table of Ando. Fig. 9 illustrates the allocation map table 641. However, the mapping table 641 of Fig. 9 does not include description information of each packet, as claimed. Instead, the table 641 illustrates I-picture mapping table 641 without teaching features of this element.

In Ando, FIG. 9 shows the internal structure of a stream block header 11 (see column 14, lines 20-21), wherein the stream block header 11 has an I-picture mapping table 641. The stream block header 11 is also shown in FIG. 6(h) and is included in a first sector No. 1 of a stream block #1 (see column 11, lines 55-63). Therefore, both the stream block header 11 and the I-picture mapping table 641 are not contained in STREAM.IFO (i.e. management data), but contained in STREAM.VRO (i.e. stream data) (see FIG. 4). Therefore, the I-picture mapping table 641 shown in FIG. 9 of Ando cannot be considered as the information which is obtained by extracting location information of an I-picture from stream data.

In addition, Ando stores a time relationship table that indicates the relationship between a display time and a data transfer time. The time relationship table, as shown in FIG. 20, stores PTS (playback time stamp; presentation time stamp) and corresponding time stamps (ATSs), such as TIME STAMP (ATS) #1 indicating an I-picture transfer start time, and TIME STAMP (ATS) #2 indicating an I-picture transfer end time (see column 30, lines 8-12, and FIG. 20). Data transfer time information (I-picture transfer start time 4) corresponds to time stamp (ATS) #1 of head-side packet (AP) #1 of I-picture a INFORMATION 7 (see column 31, lines 8-12). I-picture transfer start/end times 4 and 5 contained in the time relationship table of FIG. 20(b) are the same as the time stamp (ATS) located at the location of I-picture information in stream data. Therefore, Ando does not teach that the time relationship table contained in STREAM.IFO (i.e.

management data) stores location information of the I-picture contained in STREA.VRO (i.e. stream data)

Furthermore, at item 2 of the Office Action, the Examiner indicates that location and description information of I, B and P pictures are well known in the art. Applicants respectfully traverse the Examiner's statement because supporting evidence related to the suspending functionality of the claimed invention has not been provided, and request that the Examiner produce authority for the statement.

The Applicants specifically point out the following errors in the Examiner's action.

First, the Examiner uses common knowledge ("well-known") evidence for the rejection. As explained in the M.P.E.P.,

any facts so noticed should... server only to "fill in the gaps" in an insubstantial manner which might exist in the evidentiary showing made by the Examiner to support a particular ground for rejection. It is never appropriate to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection is based.

M.P.E.P. § 2144.03

Second, there is no evidence supporting the Examiner's assertion (see, M.P.E.P. § 2144.03(B) ("there must be some form of evidence in the record to support an assertion of common knowledge").

Third, the Examiner appears to be basing the rejections, at least in part, on personal knowledge. The Examiner is required under 37 C.F.R. § 1.104(d)(2) to support such assertion with an affidavit when called for by the Applicant. The Examiner is called upon to support such assertion.

Accordingly, withdrawal of the rejections is requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-8-08

By: 

Michael J. Battagliacca  
Registration No. 39,099

1201 New York Avenue, N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501